



04-14-03

~~DAE~~  
#10

32580.0011 (HAYE-110)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CLAUDE Q.C. HAYES

Serial No.: 09/827,889

Filed: April 6, 2001

)  
)  
)  
)  
)  
)

Group Art Unit: 1755

Examiner:

For: **HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD**

**PETITION TO REVIVE  
UNDER 37 C.F.R. §1.137(b)**

BOX DAC

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

1. I, Basam E. Nabulsi, the undersigned, am an attorney with the law firm of Cummings & Lockwood, LLC, Stamford, Connecticut, and have been appointed with Power of Attorney in the above-identified application (the "Application").
2. A copy of a Revocation of Prior Powers of Attorney, New Power of Attorney and Change of Correspondence Address in Patent Application executed by the inventor, Claude Q.C. Hayes (the "Applicant"), is submitted concurrently herewith.
3. Based upon my investigation into the facts and circumstances surrounding the abandonment of the Application, **the Application was abandoned unintentionally.**
4. The Application was abandoned as a result of a failure on the part of Applicant to respond to a Notice of Incomplete Reply (Non-Provisional) mailed on December 11, 2001 (the "December Notice").

04/15/2003 ANDWDAF1 00000013 09827889

01 FC:2453

650.00 OP

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Label No. EV 167449403 US, in an envelope addressed to: BOX DAC, Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Date: April 11, 2003

Joan Simmons  
Joan Simmons

**RECEIVED**

APR 15 2003

OFFICE OF PETITIONS

5. Pursuant to the Applicant's authorization, a complete copy of the prosecution history for the Application (the "Prosecution History") was obtained from the U.S. Patent and Trademark Office (the "PTO").
6. Based upon my review of the Prosecution History, it appeared that a response to the December Notice was not filed on behalf of Applicant.
7. I contacted the PTO by telephone and confirmed that no response was received by the PTO in connection with the December Notice.
8. The Prosecution History does not reflect the mailing of a Notice of Abandonment, although the failure to file a response to the December Notice within the prescribed timeframe would appear to have resulted in an abandonment of the Application.
9. Applicant was unaware of the December Notice and, upon learning of the failure to respond thereto, has requested that immediate action be taken to revive the Application. The failure to respond to the December Notice was not intended by Applicant.
10. Accordingly, the entire delay in providing the required reply, namely submitting a reply to the Notice of Incomplete Reply Non-Provisional Application mailed on December 11, 2001, from the due date for such reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b), was unintentional.
11. Enclosed herewith, please find the following:
  - Response to Notice of Incomplete Reply (Non-Provisional) mailed December 11, 2001;
  - A substitute specification in compliance with 37 CFR § 1.52;
  - Substitute drawings in compliance with 37 CFR § 1.84;
  - Preliminary Amendment; and
  - Petition Fee in the amount of \$650.00, as required by 37 CFR § 1.17(m).
12. I, the undersigned attorney of record, confirm that to my personal knowledge, no individual involved in the prosecution of this application, has now, or has had, at any time, any intention to abandon, or to consider abandonment of this application, and no such person at any time acted with the intention of delaying or otherwise deferring proper, ongoing and timely prosecution of this application.

13. Please charge any additional fees required to Deposit Account No. 11-0231. A  
DUPLICATE OF THIS PETITION IS ATTACHED.

Respectfully submitted,

Date: April 11, 2003



Basam E. Nabulsi

Reg. No. 31,645

CUMMINGS & LOCKWOOD

Granite Square, 700 State Street

New Haven, CT 06511

.StmLib1:1009361.1 04/10/03